

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEREMY ALAN JONES,

Plaintiff,

v.

DJJ, et al.,

Defendants.

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No. 4:22-cv-00475-JAR

MEMORANDUM AND ORDER

This matter comes before the Court on a document submitted by plaintiff Jeremy Alan Jones that has been construed as a notice of dismissal. (Docket No. 12). Therefore, for the reasons discussed below, the Court will dismiss this action without prejudice.

Plaintiff is a self-represented litigant who is currently incarcerated at the Metropolitan St. Louis Psychiatric Center. On April 25, 2022, he filed a civil action pursuant to 42 U.S.C. § 1983. (Docket No. 1). Along with the complaint, he submitted a motion for leave to proceed in forma pauperis, and an inmate account statement. (Docket No. 2; Docket No. 4). On May 9, 2022, plaintiff filed an amended complaint, along with a second motion for leave to proceed in forma pauperis, and two more inmate account statements. (Docket No. 5; Docket No. 6; Docket No. 8; Docket No. 10).

On July 11, 2022, the Court granted plaintiff's motion for leave to proceed in forma pauperis and assessed an initial partial filing fee. (Docket No. 11). Because he was proceeding in forma pauperis, the Court reviewed his amended complaint under 28 U.S.C. § 1915. Based on that review, the Court determined that the amended complaint was deficient and subject to dismissal,

but ordered plaintiff to file a second amended complaint. A copy of the Court's prisoner civil rights form was sent to him, to aid his compliance.

On July 25, 2022, the Court received a letter from plaintiff providing his case number and stating: "Please stop \$43.68 filing fee[.] I [dropped] this case." (Docket No. 12). This letter demonstrated that plaintiff had received the Court's order to amend. Subsequently, on August 4, 2022, plaintiff sent in another letter stating: "Please stop the \$43.68 filing fees[.] I don't want to pay this any more." (Docket No. 13).


Because plaintiff has not submitted an amended complaint, but has instead indicated that he has "[dropped] this case," the Court has construed plaintiff's July 25, 2022 letter as a notice of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 41(a)(i) (stating that a plaintiff may dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment"). The Court will therefore dismiss this case without prejudice. Plaintiff's second letter, which was construed as a motion to stop the filing fee, will be denied as moot.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to stop the filing fee (Docket No. 13) is **DENIED** as moot.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice. *See* Fed. R. Civ. P. 41(a)(i). A separate order of dismissal will be entered herewith.

Dated this 5th day of August, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE